

ORDINANCE NO. \_\_\_\_\_, SERIES 2020

**AN ORDINANCE AMENDING THE LOUISVILLE METRO CODE OF ORDINANCES CHAPTER 51 REGARDING SOLID WASTE AND BULKY ITEM COLLECTION FOR PROJECT PICK UP.**

**SPONSORED BY: COUNCIL MEMBER BRANDON COAN**

**WHEREAS**, the Department of Public Works is committed to providing the highest quality of public services and enhancing the quality of life for Louisville Metro Citizens; and

**WHEREAS**, improved large item collection systems will improve efficiency of operations and service delivery to citizens in the bulky waste collection system; and

**WHEREAS**, improved large item collection systems will increase participation while reducing costs of operation and illegal dumping.

**NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:**

**SECTION I.** Section 51.001 of the Louisville Metro Code of Ordinances is amended to add the following definitions:

**Announcement-Based Large Item Collection System:** A collection system for bulky waste. The system has a Department defined number of announced setout dates for eligible residents within the Urban Services District as published by the Department through Louisville Metro's website.

**Appointment-Based Large Item Collection System:** A collection system for bulky waste. The system requires eligible residents within the Urban Services District to contact Metro for a collection date. The number of times per year a resident can utilize the appointment system

and the process for scheduling an appointment-based collection is published by the Department through Louisville Metro's website.

**Bulky waste:** large items of refuse, such as appliances, furniture, and other oversize wastes that do not fit into reusable or disposable containers.

**Garbage:** all household solid waste other than yard waste, recycling, and bulky waste.

**SECTION II.** Section 51.405 of the Louisville Metro Code of Ordinances is amended as follows:

**§ 51.405 COLLECTION IN URBAN SERVICES DISTRICT.**

(A) For the collection of household and small business solid waste.

(1) It shall be unlawful for any person to place garbage, recycling, yard waste, and bulky waste for collection in the public streets and alleys in the Urban Services District except in accordance with the terms of this chapter.

(2) The following materials shall not be set out for collection: auto parts, asphalt, concrete, dirt, rock, asbestos, hazardous waste (including medical waste and bodily fluids), ~~and~~ hot ashes, construction and demolition debris, liquid paint, and electronic waste (e-waste).

(3) Department-provided carts may not be loaded with more than 200 pounds.

(4) All reusable containers not provided by the Department and as authorized by § 51.507, that are used for the disposal of garbage, yard waste or recycling, must be marked to accurately reflect the contents of the container.

(5) Only those materials meeting Department-published guidelines for acceptable recycling materials may be set out for recycling collection. Guidelines are published by the Department on Louisville Metro's website.

(6) Yard waste collection is only available to households in accordance with § 51.405(B) below.

(7) Bulky waste collection is only available to households in accordance with § 51.405(C) below.

(8) Tires may only be set out for collection when utilizing Project Pick Up for household -bulky waste collection in accordance with § 51.405(C) below.

(9) The Director may establish other regulations applicable to the collection and setting out of garbage, recycling, yard waste, and bulky waste. Such regulations shall be published by the Department on Louisville Metro's website.

~~(A)~~ (B) *For the collection of household solid waste.*

(1) The Department will collect household ~~solid waste~~ garbage, recycling, and yard waste set out for collection from residential buildings and complexes having eight or fewer units. Collection agreements in existence prior to the effective date of this section shall be maintained as previously permitted. All household garbage, recycling, and yard waste must be set out in the cart provided by the Department or approved containers meeting the requirements of § 51.507. ~~No plastic bags containing household waste garbage or recycling can be set outside of the containers. are allowed to be set outside of the carts. Plastic bags may be used only for the collection of yard waste.~~

(2) Needles may only be set out for garbage collection. Needles may not be set out for collection unless contained in either an approved sharps container, or a heavy-duty plastic or metal container that is clearly marked "sharps". Such containers containing needles may not be recycled.

(3) Tree limbs, branches, and brush may only be set out for yard waste collection. Tree limbs, branches, and brush must be cut into four-foot lengths no greater than two inches in diameter and securely tied into bundles weighing no more than 60 pounds each.

(42) All household garbage, recycling, and yard waste must be set out by 6:00 a.m. on the collection day set by the Department, and may be set out no earlier than 4:00 p.m. on the day before collection.

(53) All carts household garbage, recycling, and reusable yard waste containers must be removed from the street, ~~or~~ alley, sidewalk or other public right-of-way onto property directly abutting or adjacent to the principal or accessory structure no later than 4:00 p.m. the day after collection.

(64) Variance.

(a) If any owner or occupant believes that compliance with subsection ~~(A)(B)(1)~~ or (B)(5) would create a hardship by reason of physical ~~handicap~~ disability or medical condition; or because of impossibility due to the physical conditions for waste collection at their adjoining properties; the owner or occupant may apply for a variance, in writing, to the Director stating the basis for the hardship and the relief requested.

(b) The Director upon a showing of physical ~~handicap~~ disability or medical condition by written documentation or sufficient proof as to physical conditions hindering compliance may grant the relief requested or other appropriate relief.

(c) If granted a variance pursuant to subsection (A)(4)(a) above, the containers utilized must meet specifications set out in § 51.507 consistent with the terms of the variance.

(C) Project Pick Up: For collection of household bulky waste.

(1) The Department may provide for Announcement-Based and/or Appointment-Based systems for bulky waste collection as listed by the Department on Louisville Metro's website. Except as otherwise provided herein, there is no limit of the number of bulky items that may be set out for the Announcement-Based Large Item Collection System; there is a limit of four (4) bulky items per appointment that may be set out for the Appointment-Based Large Item Collection System. Specifications of items eligible for Project Pick Up collection are contained in subsection (2) of this section. All items must come from the household where they are set out.

(a) In an Announcement-Based collection system, all bulky items must be set out no earlier than 4:00 p.m. the Friday before the announced Project Pick-Up Collection Week and no later than 6:00 a.m. on the Monday of the announced Project Pick-Up Collection Week.

(b) In an Appointment-Based collection system, all bulky items must be set out no earlier than 4:00 p.m. the day before the collection appointment day and no later than 6:00 a.m. on the appointment collection day. When Appointment-Based collection occurs, residents may request collection from home no more frequently than once per week.

(c) Project Pick-up items must be set out at the same location as that specified for regular garbage pick-up but sufficiently separated so that it is easily distinguished.

(2) All items set out for Project Pick-Up must satisfy the following criteria:

(a) No construction or demolition materials (including but not limited to lumber, shingles, gutters, siding, and concrete slabs) may be set out.

(b) No more than four tires per residence may be set out. No automotive parts (including but not limited to engines, transmissions, axles and body panels) may be set out. No boats or motorcycles may be set out.

(c) No tree limbs, branches, and brush may be set out for Project Pick Up.

(d) No small items or loose debris may be set out. Small items or loose debris that would otherwise fit into the garbage or recycling container may not be boxed, bagged, or bundled to make one large item.

(e) No hazardous waste such as motor oil, batteries, paint, gasoline, antifreeze or chemicals (including medical waste) as defined in KRS Chapter 224 may be set out.

(f) No 55-gallon drums may be set out.

(g) No devices once containing Freon may be set out, including but not limited to air conditioners, refrigerators, and freezers.

~~(B)~~(D) *For the collection of small business solid waste.*

(1) The Department will collect small business ~~solid waste~~ garbage and recycling set out in Department provided or approved containers meeting the requirements of § 51.507. ~~set out for collection by small businesses that use roll out carts provided by the Department. No other carts, garbage cans, plastic bags or containers may be used for the storage of or collection of solid waste in the Urban Services District.~~ The Department will provide two 95-gallon carts per business for garbage and/or recycling. A business owner may purchase additional containers from the Department for a maximum of four (4) containers if at least one (1) is for recycling; however, the business owner may be charged in accordance with § 51.403 for the collection of waste from containers other than the two 95-gallon carts provided.

(2) For purposes of this subsection ~~(B)~~(D), a small business shall mean any business or organization that has a volume of solid waste that can be disposed of on a weekly basis in four or less 95-gallon carts.

~~(C) (1) It shall be unlawful for any person to place garbage and household solid waste for collection in the public streets and alleys in the Urban Services District except in accordance with the terms of this chapter.~~

~~— (2) If granted an exemption for set-out in subsection (A)(4)(b) above the containers must meet specifications set out in § 51.507 consistent with the terms of the exemption.~~

~~(D) Other regulations established by the Director may apply to the collection and setting out of garbage, recycling, and yard wastes.~~

~~(E) Tree limbs, branches and brush must be cut into four foot lengths no greater than two inches in diameter and securely tied into bundles weighing no more than 60 pounds each.~~

~~(F) The following materials shall not be set out for collection: auto parts, tires, asphalt, concrete, dirt, rock, asbestos, hazardous waste (including medical waste) and hot ashes.~~

~~(G) *Project pick-up; bulky waste.*~~

~~— (1) Except as otherwise provided herein, there is no limit on the number or types of items that may be set out for collection by Project Pick-up. However, all items must come from the household where they are set out.~~

~~— (2) No construction or demolition materials (including but not limited to lumber, shingles, gutters, siding and concrete slabs) may be set out.~~

~~— (3) No more than four tires per residence may be set out. No automotive parts (including but not limited to engines, transmissions, axles and body panels) may be set out. No boats or motorcycles may be set out.~~

- ~~—(4) Tree limbs, branches and brush must be cut into four foot lengths no greater than four inches in diameter and securely tied into bundles weighing no more than 60 pounds each.~~
- ~~—(5) No loose debris may be set out. All small items must be boxed, bagged or bundled. No bag, box or bundle may weigh more than 60 pounds.~~
- ~~—(6) No hazardous waste such as motor oil, batteries, paint, gasoline, antifreeze or chemicals (including medical waste) as defined in KRS Chapter 224 may be set out.~~
- ~~—(7) No 55-gallon drums may be set out.~~
- ~~—(8) Doors must be removed from freezers and refrigerators.~~
- ~~—(9) All items must be set out no earlier than 4:00 p.m. of the Friday before the announced Project Pick-up Collection Week and no later than 6:00 a.m. on the Monday of the announced Project Pick-up Collection Week.~~
- ~~—(10) Project Pick-up items must be set out at the same location as that specified for regular garbage pick-up but sufficiently separated so that it is easily distinguished.~~

**SECTION III.** Section 51.501 of the Louisville Metro Code of Ordinances is amended as follows:

**~~§ 51.501 PROHIBITED ACTIVITIES.~~**

- ~~(A) No person shall deposit, dump, discharge, place or cause to be placed any solid waste upon any road, highway or alley or upon any public or private land other than a solid waste management facility permitted by the Cabinet that meets all applicable Louisville Metro zoning regulations.~~
- ~~(B) No person shall tamper with, remove from, or deposit solid waste into any container not owned by them or expressly provided for their use.~~

~~(C) No person shall upset or overturn the contents of any waste or recycling container on any street, alley, or other public or private place.~~

**SECTION IV.** Section 51.507 of the Louisville Metro Code of Ordinances is amended as follows:

**§ 51.507 SOLID WASTE CONTAINER SPECIFICATIONS.**

(A) *Inside the General Services District the following shall apply:*

(1) The occupant shall deposit all waste placed out for collection or storage in containers designed for the express purpose of solid waste storage and removal. Outdoor solid waste collection containers shall conform to the requirements set forth in this chapter or by regulations established by the Waste Management District or the Director of the Department and shall conform to the requirements set forth in § 156.051(B)(2) through (B)(5) and § 156.055. Any notice or citation issued for a violation of § 156.051(B)(2) through (B)(5) and § 156.055 shall carry the penalties as provided therein.

(2) Reusable containers that are emptied manually shall not exceed 60 pounds when filled, and shall be capable of being serviced without the waste hauler coming into physical contact with the solid waste.

(3) ~~Paper bags may be used only for the storage and collection of yard waste.~~ Yard waste must be in containers meeting the specifications of § 51.507 (A)(2), paper yard waste bags, or in compostable bags meeting ASTM D6400 standards. Tree limbs, branches, and brush must be cut into four-foot lengths no greater than two inches in diameter and securely tied into bundles weighing no more than 60 pounds each. Other collection methods, including vacuum leaf collection, may be utilized by waste haulers upon approval by the Board.

(4) Containers used for animal manure shall be kept tightly covered at all times and shall be sealed to prevent access by flies and other vectors.

(5) Containers used for mechanized waste collection, including stationary compactors, shall be equipped with a close-fitting lid and be kept leak-proof and rodent-proof. They shall also be in compliance with the U.S. Consumer Product Safety Commission design criteria for refuse bins.

(6) All household garbage must be set out by 6:00 a.m. on the collection day designated by the waste hauler, and may not be set out ~~no~~ earlier than 4:00 p.m. on the day before the collection. All containers must be removed from the street or alley no later than 4:00 p.m. the day after collection.

(B) *Enforcement.* In addition to enforcement by the Department, IPL shall have authority to issue notices and citations for violations subsections (A)(1) through (A)~~(5)~~ (6) of this section.

**SECTION V.** Section 51.510(B) of the Louisville Metro Code of Ordinances is amended as follows:

**§ 51.510 PROHIBITED ACTIVITIES; IMPOUNDMENT.**

(B) *Approved containers.*

(1) No person shall dispose of any waste in an unclean and unsanitary manner. All waste shall be placed in approved containers expressly provided for use by the property owner upon which the solid waste is placed and the owner of the premises shall be responsible for the removal of such waste.

(2) No person shall tamper with, remove from, or deposit materials into any container not owned by them or expressly provided for their use.

(3) No person shall upset or overturn the contents of any waste or recycling container on any street, alley, or other public or private place.

(4) Public solid waste receptacles placed on sidewalks and streets by or with the approval of Louisville Metro Government shall be used only for such solid waste materials as a pedestrian may have for disposal. Such receptacles shall in no case be used for the disposal of solid wastes accumulated in residences or places of business.

**SECTION VI.** This Ordinance shall take effect upon its passage and approval.

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Sonya Harward  
Metro Council Clerk

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David James  
President of the Council

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Greg Fischer  
Mayor

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Approval Date

**APPROVED AS TO FORM AND LEGALITY:**

Michael J. O'Connell  
Jefferson County Attorney

By: \_\_\_\_\_